

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TYRONE RAY MOORE,

Movant,

-against-

UNITED STATES OF AMERICA,

Respondent.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #
DATE FILED: 8/7/19

1:19-CV-4112 (LAP)

1:16-CR-167-12 (LAP)

ORDER OF DISMISSAL

LORETTA A. PRESKA, Senior United States District Judge:

Tyrone Ray Moore ("Movant") filed a motion under 28 U.S.C. § 2255. By order dated May 9, 2019, the Court directed Movant to file an amended motion within sixty days. That order specified that failure to comply would result in dismissal of the motion. Movant has not filed an amended motion. Accordingly, the motion, filed in forma pauperis pursuant to 28 U.S.C. § 1915(a)(1), is dismissed under 28 U.S.C. § 1915(e)(2)(B)(ii).

The Clerk of Court is directed to mail a copy of this order to Movant and note service on the docket.

Because the motion makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253.

The Clerk of Court is directed to docket this as a "written opinion" within the meaning of Section 205(a)(5) of the E-Government Act of 2002.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: New York, New York
August 7, 2019



LORETTA A. PRESKA
Senior United States District Judge